

### REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on January 8, 2003 and the references cited therewith.

No claims are amended, no claims are cancelled, and claims 38-47 are added; as a result, claims 1-36 and 38-47 are now pending in this application.

#### §102 Rejection of the Claims

Claims 1-29 were rejected under 35 USC § 102(e) as being anticipated by Ran (U.S. Patent No. 6,317,686). The rejection states that Ran discloses "associating a travel distance from a recorded track log with a PDA expense report entry (fig. 9, steps 97, 99; col. 22, lines 41-49)."

Ran appears to describe predictive information. The term "predictive" is used in steps 97, 98, and 99 of Figure 9, e.g. "Predictive Travel Cost" in step 97, "Traffic Prediction Report" in step 98, and "Predictive Start Time" in step 99. Ran does not recite in any of these blocks (97, 98, and 99) associating a travel distance from a recorded track log with a PDA expense report entry.

Further in column 22, lines 41- 49, Ran recites;

The user can input any time today or tomorrow as the preferred departure time or arrival time. Moreover, the user can modify the "Parameters for Calculating Predictive Travel Cost" 97, including mileage cost, toll, parking fee, and hourly value of travel time. With the above input, a traffic prediction report 98 can be generated. This report provides a predictive "Summary for Your Trip" 99, including travel time, travel speed, travel delay, travel distance, travel cost, arrival time, and start time (or departure time).

Applicant's independent claim 1, recites "recording track log data points that represent the PDA travel; and associating a travel distance from the recorded track log with a PDA expense report entry." Applicant respectfully submits that the citation to Ran in fig. 9 and column 22, lines 41-49 is improper as a 102 rejection of Applicant's claim 1. The citation is entirely predictive in nature. Applicant's independent claim 1 is not drawn to "predictions" but actual recorded track log data. Further, the citation is silent on associating a travel distance from a recorded track log with a PDA expense report entry. Each and every element of Applicant's

independent claim 1 is not shown in the citation provided by the Examiner. Therefore, Applicant's independent claim 1, which addresses associating actual recorded track log data points with an expense report entry, can not be properly be rejected under 102(e). Applicant requests reconsideration and withdrawal of the 102(e) rejection of claim 1, as well as those claims which depend therefrom.

Applicant's independent claims 15 and 21 contain similar language to the elements discussed above. Therefore, these claims equally do not read on a reference, such as Ran, which produces only "predictive" cost and which do not associate a recorded trip to an expense report entry. Applicant respectfully requests reconsideration and withdrawal of the 102(e) rejection of independent claims 15 and 21 as well as the claims depending therefrom.

Claims 31-36 were rejected under 35 USC § 102(e) as being anticipated by Yamashita, et al. (U.S. Patent Publication No. 2002/0052689). Applicant does not admit that Yamashita is indeed prior art and reserves the right to swear behind the same at a later date. Nonetheless, Applicant believes that the present claims are distinguishable for the following reasons. The rejection states that Yamashita discloses a PDA and "associate the travel distance with the expense report data (sections, 0060 to 0064)"

Yamashita recites in section 0064;

The cartographic data Dcart has been previously provided with additional information Iaddi. In the present embodiment, the additional information Iaddi is a cost or information about intersection names. The information about intersection names defines main intersections on the road network by name, and is assigned to nodes representing those main intersections. The cost is a weight each assigned to links, indicating a time or a distance to be taken for the user's vehicle to pass through the corresponding road. The cost is used at the time of route search (step S205 of FIG. 2)

One of ordinary skill in the art of route navigation will appreciate that "cost" as the term is used in the above paragraph has nothing to do with an expense report or currency cost. As used by those who practice in the art, and as recited in the paragraph, cost is a "weight" assigned to links when generating a route using a navigation software routine. "Cost" as used in the Yamashita reference is strictly a term associated with navigation software routines. The term cost, as used in the cited reference, does not at all relate to a monetary value. Applicant respectfully requests the courtesy of a telephone

call if the distinction with the use of the term "cost" is not accepted upon reading the Applicant's clarification.

Moreover, Yamashita does not say anything about associating a travel distance with an expense report data. Accordingly, Applicants respectfully request reconsideration and withdrawal of the 102(e) rejection in view of this clarification.

*§103 Rejection of the Claims*

Claim 30 was rejected under 35 USC § 103(a) as being unpatentable over Ran (U.S. Patent No. 6,317,686) in view of Obradovich, et al. (U.S. Patent Publication No. 2002/0013815). Claim 30 depends from allowable independent claim 21. Applicant respectfully requests reconsideration and withdrawal of the 103 rejection of claim 30.

New Claims

Applicant respectfully submits new claims 38-47 for consideration. Claims 38-47 do not introduce any new subject matter and are fully supported by the specification as originally filed. Claims 38-47 are intended to cover additional claimable subject matter and embodiments as contained in the originally filed specification. By way of example and not by way of limitation, Applicant respectfully directs the Examiner's attention to various aspects discussed in connection with Figures 14-25 on pages 23-29 in the originally filed specification

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 659-9340.

If necessary, please charge any additional fees or credit overpayment to the Deposit Account No. 501-791.

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: BOX AF Commissioner of Patents, Washington, D.C. 20231, on this 18<sup>th</sup> day of February, 2002.

Sarah L. Reinhard  
Name

Sarah L. Reinhard  
Signature

Respectfully Submitted,  
Matthew C. Burch, et al.

By their Representatives,

E.J. BROOKS & ASSOCIATES, PLLC  
1221 Nicollet Avenue, Suite 500  
Minneapolis, MN, 55403

By: Edward J. Brooks III Date 2/18/2008  
Reg. No. 40,925